

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

NANCY HARPER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14CV49TSL-JCG

CAROLYN W. COLVIN, ACTING COMMISSIONER  
OF SOCIAL SECURITY

DEFENDANT

ORDER

This cause is before the court on the objections of plaintiff Nancy Harper to the report and recommendation of United States Magistrate Judge John C. Gargiulo on February 10, 2015, recommending that the plaintiff's motion for summary judgment be denied and the government's motion to affirm the decision of the Commissioner be granted. Based on the following, the court, having fully reviewed the report and recommendation and being duly advised in the premise, now finds that the report and recommendation should be adopted over the objections of the plaintiff as the opinion on the court.

By her objections, plaintiff argues that

there are specific kinds of limitations consistent with Plaintiff's "severe" condition of status post carpal tunnel syndrome release procedures in both wrist [namely, a preclusion from frequent handling or fingering] and that the RFC fails to incorporate any limitation to account for this "severe" impairment recognized by the ALJ elsewhere in the opinion.

Plaintiff additionally urges, more broadly, that the RFC fails to attribute any functional limitation to the status post carpal tunnel syndrome release procedures.

Regarding the RFC determination, the court finds that substantial evidence supports the ALJ's decision not to include any limitation on fingering and handling. Moreover, as it appears to the court that the restriction on "climbing of ladders, ropes and scaffolds," corresponds to a functional limitation resulting from plaintiff's status post carpal tunnel syndrome release procedures, the court likewise overrules plaintiff's objection that RFC completely failed to account for her status carpal tunnel post-release.

Based on the foregoing, it is ordered that plaintiff's objections to the report and recommendation are overruled. It is further ordered that the report and recommendation of United States Magistrate Judge John C. Gargiulo be, and the same is hereby, adopted as the finding of the court. It follows then that plaintiff's motion for summary judgment is denied and that defendant's motion to affirm is granted, such that the action will be dismissed with prejudice.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 3<sup>rd</sup> day of March, 2015.

    /s/ Tom S. Lee      
UNITED STATES DISTRICT JUDGE